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Application No. 09/768,817

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

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PATENT

Attorney's Docket No. 042757/278598

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Plate et al.	Confirmation No. 1321
Appl. No.:	09/768,817	Group Art Unit: 3624
Filed:	January 25, 2001	Examiner: Daniel S. Felton
For:	A METHOD AND SYSTEM FOR MATCHING BIDS	

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW HOLDING OF ABANDONMENT IN ACCORDANCE WITH MPEP §711.03(C) AND 1156 O.G. 53

As set forth in MPEP § 711.03(c) and 1156 O.G. 53, Applicants hereby petition to have the holding of abandonment of the above-identified application withdrawn. The application was held to be abandoned for failure to respond to an Office Action mailed August 11, 2005. The following materials are submitted in support of Applicants' petition:

1. a copy of our return postcard from the United States Patent and Trademark Office showing that the Patent Office received the aforementioned Amendment and Extension of Time on February 13, 2006; and

2. a copy of the Express Mail confirmation that this Amendment and Extension of Time was mailed to and received by the United States Patent and Trademark Office on February 13, 2006.

In view of the foregoing remarks and the enclosed evidence indicating that the Amendment and Extension of Time was received by the United States Patent and Trademark Office on February 13, 2006, Applicants respectfully request that the instant petition be granted and that the holding of abandonment of the application be withdrawn.

It is believed that the present petition is treated as a petition under 37 C.F.R. 1.181, and that no fee is applicable. However, if any fee is due, please charge the fee to our deposit account No. 16-0605.
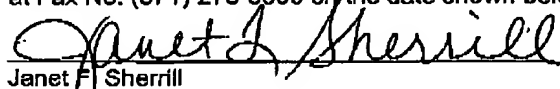
Respectfully submitted,

R. Flynt Streat
Registration No. 56,450

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Fax Charlotte Office (704) 444-1111

CERTIFICATION OF FACSIMILE TRANSMISSION
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Janet F Sherrill	March 24, 2006
	Date

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Commissioner for Patents
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Alexandria, VA 22313-1450

Date Mailed: <u>February 13, 2006</u>
Atty. Dkt. No. <u>042757/278598</u>

Application No. 09/768,817; Filing Date January 25, 2001
Inventor(s): Plate et al.; Title of Invention: A METHOD AND SYSTEM
FOR MATCHING BIDS

Documents Enclosed: Amendment and Extension of Time w/$1,020
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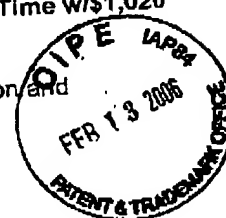
MAR 2 4 2006

Attorney's Docket No. 042757/278598

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	Plate et al.	Confirmation No.: 1321
Appln No.:	09/768,817	Group No.: 3624
Filed:	January 25, 2001	Examiner: Daniel S. Felten
For:	A METHOD AND SYSTEM FOR MATCHING BIDS	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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PETITION AND FEE FOR EXTENSION OF TIME 37 C.F.R. § 1.136(a)

1. This is a petition for an extension of time for a total period of 3 months to respond to the Office Action dated August 11, 2005.

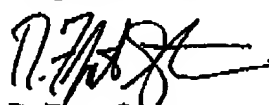2. Applicant is ☐ a small entity; ☐ other than a small entity.

3. Calculation of extension fee (37 C.F.R. § 1.17(a)(1)-(a)(5)):

	Total Months Requested	Fee For Other Than Small Entity	Fee for Small Entity
☐	one month	$120.00	$60.00
☐	two months	$450.00	$225.00
☒	three months	$1,020.00	$510.00
☐	four months	$1,590.00	$795.00
☐	five months*	$2,160.00	$1,080.00

Cannot be used to exceed six-month statutory limit for response to an Official Action.

☒ A check in the amount of $1,020.00 is enclosed.
☐ Charge Deposit Account No. 16-0605 for the extension fee.
☒ Charge Deposit Account No. 16-0605 for any fee deficiency.

Respectfully submitted,
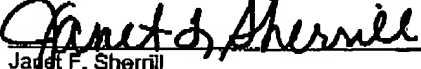
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Janet F. Sherrill

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	09/768,817	Confirmation No.: 1321
Applicant(s):	Plate et al.	
Filed:	January 25, 2001	
Art Unit:	3624	
Examiner:	Felten, Daniel S.	
Title:	A METHOD AND SYSTEM FOR MATCHING BIDS	

Docket No.: 042757.278598
Customer No.: 00826

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT
37 C.F.R. § 1.121

Sir:

In response to the Office action dated August 11, 2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

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Amendment Dated 02/13/2006
Reply to Office Action of August 11, 2005

Amendments to the Claims:

1.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network comprising the steps of:

defining one or more alternatives via a computer for at least one of the bids;

defining one or more conditions via a computer among said one or more alternatives; and

determining one or more combinations of said alternatives via a computer that satisfy said one or more conditions, comprising the steps of:

representing said one or more alternatives and/or said one or more conditions with at least one satisfiability problem, comprising the steps of:

defining at least one first variable B_{ij} representing at least one of said one or more alternatives wherein said variable B_{ij} corresponds to a jth one of said alternatives in an ith one of the bids;

and

determining at least one solution to said at least one satisfiability problem.

2.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 1 further comprising the step of:

defining at least one first utility via a computer for representing a ~~valu~~ value of at least one of said combinations.

3.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 1 further comprising the step of:

defining one or more second utilities via a computer for representing a value of said one or more alternatives.

4.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 3 wherein said

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first utility of said at least one combination is defined as a sum of said one or more second utilities of those of said one or more alternatives that are in said at least one combination.

5.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 4 wherein said sum os of said one or more second utilities is a weighed sum.

6.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 2 further comprising the step of:

    determining at least one of said combinations via a computer that is optimal with respect to said at least one first utility.

7 - 8.   (canceled)

9.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 8 1 wherein said representing said one or more alternatives and/or said one or more conditions step comprises the step of:

    generating a first conjunction of one or more first disjunctive clauses of said at least one first variable B_{ij}.

10.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 9 wherein said one or more first disjunctive clauses are defined as $k(k-1)/2$ disjunctive clauses: $\wedge \left\{ \neg B_{ig} \vee \neg B_{ih}, \text{where } g \in 1..k, h \in 1..k \text{ and } g < h \right\}$.

11.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 9 wherein said

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representing said one or more alternatives and/or said one or more conditions step comprises the step of:

defining at least one second variable D_{igjh} representing at least one potential deal between two or more of the bids wherein said second variable D_{igjh} corresponds to said potential deal between a g th alternatives in an i th one of said bids and a h th one of said alternatives in a j th one of said bids.

12.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 11 wherein said representing said one or more alternatives and/or said one or more conditions step comprises the step of:

generating a second conjunction of one or more second disjunctive clauses of said at least one second variable.

13.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 12 wherein said one or more second disjunction clauses are defined as $k(k-1)/2$ disjunctive

clauses: $\wedge \left\{ \neg D_g \vee \neg D_h, \text{where } g \in 1..k, h \in 1..k \text{ and } g < h \right\}$.

14.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 12 wherein said representing said one or more alternatives and/or said one or more conditions step comprises the step of:

generating one or more third disjunctive clauses to represent said one or more conditions and generating a third conjunction of said one or more third disjunctive clauses.

15.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 14 wherein said

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representing said one or more alternatives and/or said one or more conditions step comprises the step of:

generating an overall conjunction of said first conjunction, said second conjunction and said third conjunction.

16.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 11 wherein said at least one satisfiability problem is a MAX-SAT problem.

17.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 6 further comprising the step of:

executing at least one of the matches via a computer for one or more of the bids that are identified by said at least one optimal combination.

18.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 17 further comprising the step of:

distributing said at least one first utility via a computer among at least one of the participants who submitted said one or more of the bids of said at least one optimal combination.

19.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 18 wherein said distributing said at least one first utility step comprises the step of:

allocating said at least one first utility evenly among the participants over time to achieve fairness.

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20.   (currently amended) A method for determining one or more matches among one or more
bids submitted by one or more participants in an electronic network as in claim 18 wherein said
distributing said at least one first utility step comprises the step of:
        allocating said at least one first utility evenly among the participants for each of said
executed matches.

21.   (currently amended) A method for determining one or more matches among one or more
bids submitted by one or more participants in an electronic network as in claim 1 wherein said
bids comprise:
        one or more requests from one or more products and/or services and
        one or more responses identifying one or more capabilities of one or more products
and/or services.

22.   (currently amended) A method for determining one or more matches among one or more
bids submitted by one or more participants in an electronic network as in claim 1 further
comprising the step of:
        defining one or more attributes via a computer for at least one of said bids.

23.   (currently amended) A method for determining one or more matches among one or more
bids submitted by one or more participants in an electronic network as in claim 22 wherein said
determining one or more combinations of said alternatives step further comprises the step of:
        identifying at least two of said alternative via a computer that have compatible ones of
said attributes; and
        assigning said identified alternatives via a computer to said one or more combinations.

24.   (currently amended) A method for determining one or more matches among one or more
bids submitted by one or more participants in an electronic network as in claim 22 wherein said
attributes comprise one or more members of the set consisting of a visibility variable, an owner,

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a validity period, a negotiation timeout, a confirmation indicator, a manual indicator, a pre-execution explosion indicator, an execution explosion indicator.

25.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 22 wherein said attributes comprise one or more specifications.

26.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 22 wherein said one or more specifications comprise one or more members of the set consisting of stock keeping unit (SKU), a quantity, a delivery time window, a quality guarantee, a quality requirement, a fulfillment guarantee, a fulfillment penalty, a contract identifies, a price and a supplier restriction.

27.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 1 wherein said one or more conditions comprise one or more links between one or more groups of said alternative identifying relations between said alternatives within said group.

28.   (currently amended) A method for determining one or more matches among one or more bids submitted by one or more participants in an electronic network as in claim 27 wherein said relations comprise at least one compatibility relation.

29.   (currently amended) Computer executable software code stored on a computer readable medium, the code for determining one or more matches among one or more bids submitted by one or more participants, the code comprising:

        code to receive one or more alternatives for at least one of the bids;

        code to receive one or more conditions among said one or more alternatives; and

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code to determine one or more combinations of said alternatives that satisfy said one or more conditions, comprising:

code to represent said one or more alternatives and/or said one or more conditions with at least one satisfiability problem, comprising:

code to define at least one first variable B_{ij} representing at least one of said one or more alternatives wherein said variable B_{ij} corresponds to a jth one of said alternatives in an ith one the bids;

and

code to determine at least one solution to said at least one satisfiability problem.

30.   (canceled)

31.   (currently amended) A programmed computer system for determining one or more matches among one or more bids submitted by one or more participants comprising at least one memory having at least one region storing computer executable program code and at least one processor for executing the program code stored in said memory, wherein the program code includes

code to receive one or more alternatives for at least one of the bids;

code to receive one or more conditions among said one or more alternatives; and

code to determine one or more combinations of said alternatives that satisfy said one or more conditions, comprising:

code to represent said one or more alternatives and/or said one or more conditions with at least one satisfiability problem, comprising:

code to define at least one first variable B_{ij} representing at least one of said one or more alternatives wherein said variable B_{ij} corresponds to a jth one of said alternatives in an ith one the bids;

and

code to determine at least one solution to said at least one satisfiability problem.

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32.   (canceled)

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REMARKS

Applicant thanks the Examiner for a thorough review of the above-referenced application. As explained more fully below, Applicant has amended independent Claims 1, 29, and 31, and dependent Claims 2-6 and 9-28. As a result of these amendments, Claims 7, 8, 30, and 32 have been cancelled. Applicant reserves the right to pursue claims identical in scope to the canceled claims in a later filed application. Applicant requests reconsideration of Claims 1-6, 9-29, and 31 in view of the Amendments and Remarks set forth herein.

The Rejections Under § 101 Are Overcome

The Office Action rejected Claims 1-28 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses the rejection. In this regard, the preambles of Claims 1-6 and 9-28 have been amended to include the phrase in an electronic network. Additionally, pursuant the Examiner's suggestion, the phrase via a computer has been added to the method steps of independent Claim 1 and to the dependent claims reciting additional method steps. Support for this amendment may be found, among other places, in FIG. 7 and on Page 23, Lines 14-36 of Applicant's specification. Accordingly, Applicant submits that independent Claim 1 and dependent Claims 2-6 and 9-28 are directed to statutory subject matter, as more clearly indicated by the aforementioned amendment, and, therefore, this rejection should be withdrawn.

The Claim Objections Are Overcome

The Office Action indicated that Claims 8-16 were objected to as being dependent upon a rejected base claim, but would be otherwise allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant has amended independent Claim 1 to include the limitations of canceled Claim 8 and intervening Claim 7. Claims 2-6 and 9-28 depend from independent Claim 1 and thus, as amended, also include the limitations of canceled Claim 8 and intervening Claim 7. In addition, independent Claims 29 and 31, which are directed to a computer executable software code and a programmed

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computer system, respectively, have been amended to include the limitations of Claim 8 and

intervening Claim 7.

Applicant has made additional amendments as requested by the Examiner to cure

informalities. Specifically, Claim 2 has been amended to replace "vale" with "value," and Claim

5 has been amended to replace "os" with "of."

As a result, Claims 1 – 6, 9-29, and 31 have been amended as suggested by the Examiner,

and are thus in a condition for allowance.

*   *   *   *   *

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PAGE 15/19 * RCVD AT 3/24/2006 4:10:29 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/15 * DNIS:2738300 * CSID:7044441111 * DURATION (mm-ss):05-50

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CONCLUSION

In view of the foregoing remarks, Applicant respectfully submits that Claims 1-6, 9-29, and 31 of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Felten is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.
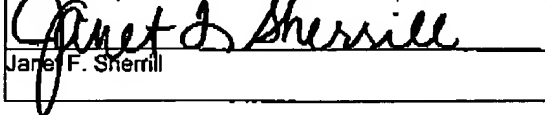
Respectfully submitted,

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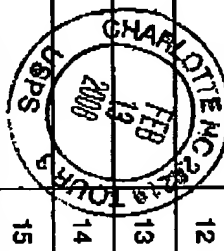
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CDA Number _____

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☐ Federal Agency Account No. _____

☐ Meter Strip or Stamps (Apply fee in Item 1 above)

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